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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,697	04/21/2004	Tony McCormack	920476-95929	5390
23644	7590	10/19/2006	EXAMINER	
BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,697

Applicant(s)

MCCORMACK ET AL.

Examiner

Susan F. Rayyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

A practical application can be either physical transformation or a useful, concrete and tangible result.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

The computer program arranged to carry out the method as recited in the claims 14 and 15 are not patent eligible because the invention recited therein is not tangibly incorporated in a computer readable storage medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4,6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,110,523 issued to Michael D. Gagle et al ("Gagle") and US Publication Number 2006/0123060 issued to Christopher J. Allen et al ("Allen").

As per independent claim 1, Gagle teaches:

A network comprising a plurality of contact centers each contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers (column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers (column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects);

said contact objects and ... being replicated and synchronized at each of the contact centers (column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16).

As per claim 2, same as claim arguments above and Gagle teaches:

wherein each of said contact centers is arranged to receive incoming contacts directly at that contact center (column 7, lines 5-6 as incoming calls to the call center server 24A).

As per claim 3, same as claim arguments above and Gagle teaches:

wherein at least one of said contact centers is arranged to operate in a first mode and a second mode whereby in said first mode at least some incoming contacts received directly at that contact center are serviced only by said contact center (column 4, lines

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5-34, as agent accepts a call) and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 4, same as claim arguments above and Gagle teaches:

wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 6, same as claim arguments above and Gagle teaches:

wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center such that when an agent becomes available at that contact center a contact is selected for that agent network-wide (column 5, lines 37-50 as allows call center servers to share queue information and share workload according to available agent resources and skills).

As per independent claim 7 Gagle teaches:

A contact center for use in a network of contact centers, said contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects);

(iii) said contact objects ... being replicated and synchronized with those at each of the other contact centers(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16).

As per independent claim 8 Gagle teaches:

A method of managing a contact in a network of contact centers center (column 1, lines 7-10, a plurality of contact centers) said method comprising:

(i) at a first contact center in the network storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);
and (ii) at said first contact center storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects);
and (iii) replicating and synchronizing said contact objects ... at each of the contact centers in the network(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16).

As per claim 9, same as claim arguments above and Gagle teaches:

which further comprises receiving an incoming contact directly at any of said contact centers in the network(column 7, lines 5-6 as incoming to call center server 24A).

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As per claim 10, same as claim arguments above and Gagle teaches:

which comprises operating said first contact center in a first mode and a second mode whereby in said first mode at least some incoming contacts received directly at that contact center are serviced only by said contact center (column 4, lines 5-34, as agent accepts a call);

and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 11, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 12, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the contact objects and the agent objects stored at that contact center such that when an agent becomes available at that contact center a contact is selected for that agent network-wide (column 5, lines 37-50 as allows call center servers to share queue information and share workload according to available agent resources and skills).

As per independent claim 13 Gagle teaches:

A method of operating a contact center in a network of contact centers center (column 1, lines 7-10, a plurality of contact centers), said method comprising the steps of:

- (i) at said contact center storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);
- (ii) at said contact center storing a plurality of agent objects each representing a different agent in the network of contact centers(column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects);
- (iii) said contact objects ... being replicated and synchronized with those at each of the other contact centers(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,110,523 issued to Michael D. Gagle et al ("Gagle") and US Publication Number 2006/0123060 issued to Christopher J. Allen et al ("Allen") in view of US Patent 6,636,599 issued to David Mullen ("Mullen").

As per claim 5, same as claim arguments above and Gagle and Allen do not explicitly teach wherein said most suitable agent network-wide is a network longest-idle agent. Mullen does teach this limitation (column 5, lines 65 to column 6, line 3) to preclude disproportionate idle time to some agents. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagle and Allen with wherein said most suitable agent network-wide is a network longest-idle agent to preclude disproportionate idle time to some agents (column 6, lines 64-66).

4. Claim 14 is rejected based on the same rationale as claim 8.
5. Claim 15 is rejected based on the same rationale as claim 13.

Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan

October 16, 2006


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
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